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Attorneys for Defendants:
YARBROUGH WORLD SOLUTIONS, LLC
And DALLY E. YARBROUGH.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

PETER ALBERS, an individual,

Plaintiff,

v.

YARBROUGH WORLD
SOLUTIONS, LLC, an Arizona limited
liability company; DALLY E.
YARBROUGH, individually and
manager of YARBROUGH WORLD
SOLUTIONS, LLC; and DOES 1
through 10, inclusive,

Defendants.

CASE NO.: 5:19-CV-05896-EJD

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Assigned to:
Hon. Edward J. Davila, San Jose
Courthouse, Ctrm 4, 5th Floor

Action Filed: September 20, 2019
Trial Date: Not Assigned

Conf. Date: January 9, 2020
Conf. Time: 10:00 a.m.

1 Plaintiff, PETER ALBERS and defendants YARBROUGH WORLD
2 SOLUTIONS, LLC, an Arizona limited liability company ("YWS"), and DALLY
3 E. YARBROUGH (hereinafter collectively, "the Defendants") hereby jointly
4 stipulate and request through their attorneys of record that the Court continue the
5 currently scheduled Case Management Conference set for January 9, 2020 at 10:00
6 a.m., to February 10, 2019.

7 This stipulation is submitted after counsel for Plaintiff and Defendants have
8 met and conferred and is submitted to this Court pursuant to Northern District of
9 California Civil Local Rules 6-3 and 16-2(e), and the Clerk's Notice dated October
10 8, 2019 Resetting Case Management Conference Following Reassignment (ECF 7).
11 No party has requested any other changes to the case schedule in this matter, and no
12 modifications have been made by the Court.

13 Good Cause exists for the continuation:

14 1. On September 20, 2019, Plaintiff filed the Complaint in this action
15 alleging several causes of action against the Defendants.

16 2. Despite diligent efforts, Plaintiff was initially unsuccessful in serving
17 the Complaint on Defendants. Plaintiff attempted service on at least six (6) occasions
18 at the address specifically listed for registered service of process for YWS, as well
19 as Yarbrough's purported residence. *Id.* None of these were successful.

20 3. Thereafter, Plaintiff served the Arizona Corporation Commission,
21 through which Defendants presumably obtained the Complaint. On November 20,
22 2019, counsel for Defendants contacted counsel for Plaintiff to establish his
23 representation and accept service on behalf of Defendants. Prior to this telephone
24 call, Plaintiff was unaware of the fact that Defendants had retained counsel. Counsel
25 for Defendants executed a Waiver of the Service of Summons dated November 21,
26 2019, giving Defendants sixty (60) days to file a responsive pleading. *Id.*

27 4. Defendants' responsive pleading is not due to be filed until January 21,
28 2020—after the presently scheduled Case Management Conference—the Parties

jointly request to continue the Case Management Conference pursuant to Local Rule 16-2(e) (permitting filing of a stipulation to seek relief from the case management schedule upon approval by the assigned judge). Furthermore, as required by Rule 16-2(d)(2), the parties have met and conferred, and agree to this continuance. The requested extension will provide Defendants time to file a responsive pleading to the Complaint, as well as prevent the expenditure of resources preparing for the Case Management Conference until after such time.

5. Pursuant to this Stipulation, the Parties propose a 30-day continuance of the Case Management Conference to February 10, 2019

6. This modification will result in the following changes to other deadlines:

(1) the deadline for the parties to meet and confer regarding the Case Management Conference pursuant to Fed. R. Civ. P. 26(f)(1) (21 days before the Case Management Conference) will be January 17, 2020;

(2) the deadline to submit a Joint Case Management Conference Statement pursuant to the Court's Case Management Order (7 days before the Case Management Conference) will be February 3, 2020; and

(3) the deadline for the parties to submit ADR Certifications pursuant to Local Rule 16-8(b) and the Court's Case Management Order (21 days before the Case Management Conference) will be January 17, 2020.

Dated: December 23, 2019

Respectfully Submitted,

By: /s/ Catherine L. Coughlin
 Sean D. Schwerdtfeger, Esq.
 Catherine L. Coughlin, Esq.
 Sara K. Richards, Esq.
 Attorneys for Plaintiff:
 PETER ALBERS

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1 Dated: December 23, 2019

Respectfully Submitted,

2
3 By: /s/ Jon Webster
Jon Webster, Esq.
Dustin Burton, Esq.
4 JON WEBSTER LAW GROUP, APC
5 Attorneys for Defendants:
6 YARBROUGH WORLD
7 SOLUTIONS, LLC, and
8 DALLY E. YARBROUGH
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ORDER

Pursuant to stipulation and for good cause show, it is hereby ORDERED that the Case Management Conference is continued to February 10, 2020, commencing at 10:00 a.m.

IT IS FURTHER ORDERED:

(1) the deadline for the parties to meet and confer regarding the Case Management Conference pursuant to Fed. R. Civ. P. 26(f)(1) is January 17, 2020;

(2) the deadline to submit a Joint Case Management Conference Statement pursuant to the Court's Case Management Order is February 3, 2020; and

(3) the deadline for the parties to submit ADR Certifications pursuant to Local Rule 16-8(b) and the Court's Case Management Order) is January 17, 2020.

Dated:

HON. EDWARD J. DAVILA
U.S. DISTRICT JUDGE